

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff

CR. NO. 17-20439

v.

HON. LAURIE J. MICHELSON

LAWRENCE DAVIS,

Defendant.

MOTION TO WITHDRAW AS COUNSEL

NOW COMES Counsel, Andrew Densemo, of the Federal Defender Office, Detroit, Michigan, for Defendant, **LAWRENCE DAVIS**, and moves this Honorable Court, pursuant to Local Rule 57.1, to withdraw as counsel for Defendant. Counsel files a supporting Brief and further states:

1. On June 1, 2017 the Federal Defender Office was appointed by the Court at Defendant's initial appearance on an Indictment charging him with a violation of 21 U.S.C. §841(a)(1) and (b)(c), Distribution of a Controlled Substance with Death Resulting. At that time, undersigned Counsel was assigned to represent the Defendant.

2. Since that time, the undersigned counsel has represented Mr. Davis.

3. During the course of my representation of Mr. Davis I have met with him on several occasions.

4. At this point in time there has been a breakdown in the attorney-client relationship to the extent that new counsel needs to be appointed to represent Mr. Davis.

5. Counsel believes there has been a complete breakdown of the attorney-client relationship required for effective assistance of counsel under the Sixth Amendment of the U.S. Constitution, and that there exist irreconcilable conflicts between Defendant and his Counsel such that withdrawal of Counsel is warranted.

6. The Federal Defender Office can promptly obtain a panel attorney to represent the Defendant.

7. Substitution of counsel is in the best interests of Defendant and serves the ends of justice.

WHEREFORE, Defense Counsel respectfully requests that he be allowed to withdraw due to a complete and total breakdown in the attorney-client relationship.

Respectfully submitted,

FEDERAL DEFENDER OFFICE

s/Andrew Densemo
ANDREW DENSEMO (P37583)
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Detroit, Michigan 48226
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Dated: November 6, 2017

UNITED STATES DISTRICT COURT
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**BRIEF IN SUPPORT OF
MOTION TO WITHDRAW AS COUNSEL**

I.

Defendant made his initial appearance on an Indictment on June 1, 2017. At that time, the Federal Defender Office was appointed to represent Defendant and present Counsel was assigned to the case. Counsel has met numerous times with the Defendant to discuss his case, including the discovery, sentencing guidelines, potential defenses, plea offers, and risks of proceeding to trial. Defense Counsel has also filed pre-trial motions on behalf of Mr. Davis. Mr. Davis and his Counsel's relationship has deteriorated to the point where both parties believe that Defense Counsel should be relieved from further representation of Mr. Davis. There has been a complete breakdown in the attorney-client relationship such that irreconcilable conflicts now exist. Therefore, Counsel feels that it is in the best interests of justice that he withdraw and a panel attorney be appointed to represent the Defendant. Obviously, Mr. Davis will need an attorney who he is confident in and with whom he will communicate and work with to ensure that he is properly represented as this case goes forward. It is in Mr. Davis's best interest that another attorney be appointed to represent him who can zealously advocate the position Mr. Davis feels is in his best interest.

II.

Rule 57.1 of the Local Rules of the United States District Court for the Eastern District Of Michigan provides:

- (b) An attorney who has appeared in a criminal case may thereafter withdraw only by written motion served upon the defendant personally or at the defendant's last-known address and upon all other parties. The Court may deny a motion to withdraw if the attorney's withdrawal would unduly delay trial of the case, or be unfairly prejudicial to any party, or otherwise not be in the interest of justice.

An irreconcilable conflict in the attorney-client relationship is good cause to warrant substitution of counsel and comports with the tenets of the Sixth Amendment right to effective assistance of counsel. Wilson v. Mintzes, 761 F.2d 275 (6th Cir. 1985).

III.

For the foregoing reasons, Counsel requests this Honorable Court allow him to withdraw from representation of Mr. Davis.

Respectfully submitted,

FEDERAL DEFENDER OFFICE

s/Andrew Densemo
ANDREW DENSEMO (P37583)
Attorney for Defendant
613 Abbott, 5th Floor
Detroit, Michigan 48226
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E-mail: andrew_densemo@fd.org

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CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2017, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: MARK BILKOVIC, Assistant United States Attorney, 211 W. Fort Street, Suite 2001, Detroit, Michigan 48226, e-mail: mark.bilkovic@usdoj.gov, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participant(s): LAWRENCE DAVIS, USM No. 55656-039, FDC Milan, Federal Detention Center, P.O. Box 1000, Milan, Michigan 48160.

Respectfully submitted,

FEDERAL DEFENDER OFFICE

s/Andrew Densemo

ANDREW DENSEMO (P37583)

Attorney for Defendant

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Detroit, Michigan 48226

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